

Remarks

Claims 1, 2, 9, and 10 are pending in the subject application. By this Amendment, Applicants have added claims 12 and 13 and canceled claim 11. Support for the amendment and new claims can be found throughout the subject specification (see, for example, page 150, paragraph 2) and in claim 11 as originally filed. Entry and consideration of the amendment and new claims presented herein is respectfully requested. Accordingly, claims 1, 2, 9, 10, 12, and 13 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

The Office Action of October 22, 2004 indicates an inconsistency in the amendment with respect to claim 11. In order to attend to this issue, the instant response cancels claim 11 and reintroduces this same claim (as claim 12). Accordingly, the inconsistency introduced by the previous response has been rectified and entry and examination of claim 12 is respectfully requested.

Applicants note that the final rejection of October 22, 2004 indicates that certain of the references provided in an Information Disclosure Statement filed March 19, 2004 have been considered, but that non-patent literature cited in the application has not been considered as the cited references had not been received by the Examiner. Applicants respectfully request that an indication regarding the consideration of these references be provided with the next response from the Patent Office in this matter as it is believed that these references should have been matched with the case folder of the subject application by this date. In the event that these references have been lost at the Patent Office, the undersigned respectfully requests that he be contacted and a duplicate set of references will be transmitted to the Patent Office for entry into the record.

Claims 1, 2, 9, and 10 are rejected under 35 U.S.C. § 102(e) as anticipated by Edwards *et al.* (U.S. Patent No. 6,455,280). Applicants respectfully traverse the rejection on the following grounds. It is respectfully submitted that the '280 patent does not qualify as prior art against the presently claimed invention in view of the Petition to Accept an Unintentionally Delayed Claim of Priority in this matter (filed on January 21, 2004) and the amendments made to the specification. As the Examiner will note, the subject application now claims priority to United States Patent Application 09/469,099, filed December 21, 1999. Accordingly, it is respectfully submitted that the Edwards *et al.* patent is no longer prior art with respect to the subject application and reconsideration and withdrawal of the rejection is respectfully requested.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position. Applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

  
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